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|---------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Application Number</b><br> | <b>Application No.</b><br>09/920,944 | <b>Applicant(s)</b><br>TZENG, SHRJIE |  |
|                                                                                                               |                                      |                                      |  |

|                                            |                                                                |                                                        |
|--------------------------------------------|----------------------------------------------------------------|--------------------------------------------------------|
| <b>TERMINAL<br/>DISCLAIMER</b>             | <input type="checkbox"/> <b>APPROVED</b>                       | <input checked="" type="checkbox"/> <b>DISAPPROVED</b> |
| Document Code - DISQ                       | <b>This patent is subject<br/>to a Terminal<br/>Disclaimer</b> |                                                        |
| <b>INTERNAL DOCUMENT –<br/>DO NOT MAIL</b> |                                                                |                                                        |

U.S. Patent and Trademark Office

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

DATE: 13-Jun-05  
 TO: EXAMINER KHUONG, lee  
 FROM: Jefferson, Henry  
 PARALEGAL SPECIALIST

APPL. S.N.: 09/920,944  
 ART UNIT: 2665

Case Drop-Off Location  
 RETURN THIS MEMO TO: JEF-2D68

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 01-Jun-05

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. **THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE.** When your action is complete, please initial, date and return this memo to me. **THANK YOU.**

- ☐ The T.D. is PROPER and has been recorded (see ¶14.23).
- ☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
  - ☒ The person who signed the T.D.:
    - ☒ is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
    - ☐ is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
  - ☐ The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:
  - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and **do not** check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shrjie TZENG

Serial No.: 09/920,944

Filed: August 3, 2001

For: LINKED NETWORK SWITCH CONFIGURATION



Group Art Unit: 2665

Examiner: Lee T. Khuong

Atty. Docket No.: 58269.00013

TERMINAL DISCLAIMER UNDER 37 CFR 1.321(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Broadcom Corporation, having its place of business at 16215 Alton Parkway, Irvine, California 92618-3636, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 09/920,944, filed August 3, 2001, for LINKED NETWORK SWITCH CONFIGURATION, the assignment for the application being recorded in the Patent and Trademark Office on August 3, 2001 at Reel 012057, Frame(s) 0417. Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent No. 6,850,542, issued February 1, 2005, the Assignment for the patent being recorded in the Patent and Trademark Office on August 3, 2001 at Reel 012050, Frame 0235.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. 09/920,944, which would extend beyond the expiration date of United States Patent No. 6,850,542 issued February 1, 2005, and hereby agrees that any patent so

granted on application Serial No. 09/920,944, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to United States Patent No. 6,850,542, this agreement to run with any patent granted on the application, Serial No. 09/920,944, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,850,542 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(c), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

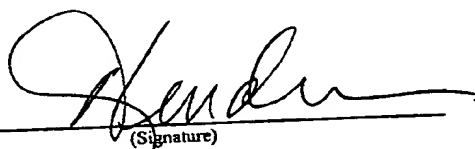
The undersigned on behalf of petitioner, Broadcom Corporation, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Broadcom Corporation

Date: May 26, 2005

By:   
(Signature)

Dee Henderson  
(Name)  
Senior Manager Intellectual Property Administration

(Title)